

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

DOUG BURGUM, in his official capacity as
Secretary of the Interior, *et al.*,¹

Defendants.

Case No. 2:24-cv-00820

Hon. Judge James D. Cain, Jr.

Hon. Magistrate Judge Thomas P. LeBlanc

**JOINT MOTION TO STAY
PROCEEDINGS**

The parties to this case hereby jointly move the Court to stay further proceedings in this litigation, and to vacate the status conference set for April 8, 2025 (Dkt. 109).

Plaintiffs challenge a Final Rule entitled, Risk Management and Financial Assurance for OCS Lease and Grant Obligations, 89 Fed. Reg. 31,544 (April 24, 2024) (the “Rule”).

Following a change in administration, on January 20, 2025, President Trump issued Executive Order 14154 entitled, *Unleashing American Energy*, 90 Fed. Reg. 8,353 (January 29, 2025), Section 3 of which directs heads of agencies to review existing regulations to identify agency actions that impose “an undue burden on the identification, development, or use of domestic energy resources[.]” On February 3, 2025, Secretary Burgum issued Secretarial Order 3418, also entitled, *Unleashing American Energy*, a copy of which is attached hereto as Exhibit 1. Section 4(b) of that Order directs agency officials to prepare an “action plan” that will include steps “to suspend, revise, or rescind” the Rule.

Defendants are reviewing the Rule and anticipate announcing the efforts they will take to suspend, revise, or rescind the Rule. Counsel for the parties agree that it would be

¹ Pursuant to Fed. R. Civ. P. 25(d), Doug Burgum, in his official capacity as Secretary of the Interior, is automatically substituted for Debra Haaland.

appropriate to stay further litigation over the existing Rule, provided that during the pendency of any such stay in the litigation, Defendants, consistent with their discretion under the Rule, agree not to seek supplemental financial assurance except in the case of (a) sole liability properties; and (b) those non-sole liability properties that are held by owners who are not financially strong (as described by the Rule) and that have no co-owners or predecessors who are financially strong (i) that are inactive, (ii) where the production end of life is fewer than five years, or (iii) with damaged infrastructure, regardless of the remaining property life of the surrounding producing assets. By agreeing to these terms for this stay, Plaintiffs do not waive any right to challenge these or any terms in this litigation or in future proceedings or rulemakings related to financial assurance.

The proposed stay of litigation involving the existing Rule will conserve the resources of the Court and the parties, and is in the public interest. Courts have broad discretion to stay proceedings and to defer judicial review in the interest of justice and efficiency. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Air Line Pilots Ass’n v. Miller*, 523 U.S. 866, 879 n.6 (1998) (quoting *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936)); *see also CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962); *Am. Petroleum Inst. v. EPA*, 683 F.3d 382, 388 (D.C. Cir. 2012) (premature and unnecessary judicial review “would hardly be sound stewardship of judicial resources”). It makes little sense to conduct further litigation when new leadership at the Department of the Interior is in the process of determining how to take further action on the Rule to address the Executive Order and the Secretarial Order. Defendants agree to provide status reports at ninety-day intervals, and upon publication in the Federal Register of a proposed rule or final rule affecting the Rule.

Respectfully submitted this 7th of April 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2025, I electronically filed the **JOINT MOTION TO STAY PROCEEDINGS** with the Clerk of Court using the ECF system, which will automatically send email notification to the attorneys of record.

/s/ Paul A. Turcke
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